THE HONOURABLE SRI JUSTIVE C.V. RAMULU

WRIT PETITION NO. 24879 OF 2001

DATED: 17-11-2006

BETWEEN:

Eluru Narayana
S/o. Nagaiah

… Petitioner

And

1.Govt. of A.P. rep. by its Principal Secretary,
Irrigation & CAD Dept., Secretariat
And three others.

… Respondents

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ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not reconveying the land to an extent of Ac.24.845 in S.No.170/1 of Mankollu Village of the petitioner as arbitrary and illegal.

Heard the learned counsel for the petitioner and the learned Government Pleader for Irrigation and perused the record.

It appears that the Government of Andhra Pradesh acquired the lands of Mankollu, Pothanapalli, Kotapadu, Polavaram villages of erst-while Tiruvuru Taluq, Krishna District for submergence under Thammileru reservoir project scheme to an extent of Ac.180.10 in S.No.170/1 of Mankollu village in the year 1970, in which an extent of Ac.24.845 guntas land belonging to the petitioner, was also acquired. The Government had paid the compensation to all the land holders including the petitioner. However, after constructing the reservoir, it was found that the lands of the petitioner and some others, were found to be on higher level and they would not be submerged even at Full

Reservoir Level. Therefore, many of the villagers, whose lands were acquired made certain representations for reconveyance of their lands. Pursuant to the said representations, G.O.Ms.No.43 was issued by the Government for reconveyance of the acquired lands in Mankollu village to an extent of 101.50 acres in Survey No.172 and a part of which is above the Full Reservoir Level and is not required by the Government. However, though such a recommendation was made for reconveyance of the lands held by the petitioner, the case of the petitioner was rejected on the ground that there is an amendment to the BSO in the year 1988 and the lands once acquired for public purpose shall have to be utilized only for public purposes and they need not be reconveyed. Therefore, he filed the present writ petition.

Learned counsel for the petitioner strenuously contended that it may be correct that once the lands are acquired for public purpose, they have to be utilized for public purpose only. But, having considered for reconveyance of 101.50 acres under G.O.Ms.No.43 dated 27-02-1991, rejecting the case of the petitioner which is similarly placed under the recommendations made by the District Administration is arbitrary and illegal and discriminative.

Now, a counter affidavit is filed by the respondents stating that in view of the amendment to BSO, the case of the petitioner cannot be considered.

I am of the opinion that it may be correct that the lands once acquired for public purpose need not be reconveyed as a matter of right, but, when in the over all circumstances of the situation, as many as 101.50 acres of land, which is above FRL level was directed to be reconveyed and when the land of the petitioner is also above FRL, it is not known as to why his case has not been considered. The recommendations were made as early as in the year 1991 along with other persons in whose favour G.O.Ms.No.43 dated 27-02-1991 was also issued. This itself definitely amounts to discriminating the people equally placed. In view of the same, the respondents are

directed to reconsider the matter for being reconveying the lands measuring Ac. 24.845 Guntas situated in S.No.170/1 of Mankollu village on par with the persons in whose favour G.O.Ms.No.43 dated 27-02-1991 was issued and pass orders within a period of eight (8) weeks from the date of receipt of the order and communicate the same to the petitioner. It seems that even before reconveyance, all the ryots, including the petitioner were permitted to cultivate these lands and revenue has been collected from them continuously even till date.

Accordingly, this writ petition is disposed of. No costs.

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17-11-2006

Rns.

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